* Minutes Approved at zoom meeting July 15, 200

MINUTES OF MISSISSIPPI TORT CLAIMS BOARD THURSDAY, MARCH 12, 2020

The Mississippi Tort Claims Board (Board) meeting was held at 1:30 p.m. in Room 138, Woolfolk State Office Building; 501 North West Street; Jackson, Mississippi.

The following members were present, constituting a quorum:

Edds, Steve; Chairman
Bailey, Elisha; Representing State Treasurer David McRae
Kelsey, Christina; Representing Insurance Commissioner Mike Chaney
Lipscomb, Whitney; Representing Attorney General Lynn Fitch
Smith, Denita; Representing Public Safety Commissioner
Welch, Liz, Executive Director, MS Department of Finance & Administration

Also present were:

Donaldson, Bruce; Tort Claims Board Kelly, Trina; Tort Claims Board Logan, Jim; Tort Claims Board McElroy, Lea Ann; Tort Claims Board Rayburn, Amanda; Cannon Cochran Management Services Inc. Smith, Dan; Attorney General's Office Wilson, Jeff; Trinity Capital

The Chairman called the meeting to order.

Motion was made by Mrs. Welch to approve the minutes of the January 16, 2020, meeting. Mrs. Kelsey seconded the motion, which passed unanimously.

There was no Old Business.

In New Business, Mrs. McElroy provided Board members with a summary of legislation staff is currently following.

Mr. Logan presented the financial report for fiscal year 2020 through February 29, 2020. We have received just under \$4.6 million in assessments, which 100% of the total assessment. Expenditures to-date are just over \$3.0 million. We have paid just over \$1 million in claim payments. Looking at the Budget Comparison Report, everything is in line with where it should be at this point in the fiscal year.

Mr. Wilson presented a brief investment report through February 2020. The portfolio has a book value right around \$12.7 million, which is a slight gain on sale. Through February, we've earned 1.5%, which extrapolates out to 2.25% for the fiscal year. It will be tough to maintain

that level for the next 12-14 months. Mr. Wilson also anticipates rates will stay low longer than we hoped.

In Mr. Milner's absence, Mrs. McElroy provided members a report of his Loss Control activities since the last Board meeting.

Mrs. McElroy presented one (1) attorney for inclusion in the approved Attorney Register: Brandon I. Dorsey of Brandon I. Dorsey, PLLC. Mr. Dorsey meets the eligibility requirements of the Board and staff recommends approval. Mrs. Lipscomb moved to approve and Mrs. Welch seconded. The motion passed unanimously.

Mrs. McElroy presented a list of 6 political subdivisions with the recommendation that all be approved for renewal of Certificates of Coverage. Mrs. Kelsey made a motion to approve the list and Mrs. Lipscomb seconded the motion, which passed by unanimous vote.

There was no Claims Report. Mr. Donaldson did note for the Board that our claim count is almost exactly what it was this same time last year, at around 640 claims.

There being no further business to come before the Board, the meeting was adjourned.

STEVE EDDS, CHAIRMAN	
MIKE CHANEY, BOARD MEMBER	
LYNN FITCH, BOARD MEMBER	
DAVID MCRAE, BOARD MEMBER	

LIZ WELCH, BOARD MEMBER
COMMISSIONER OF PUBLIC SAFETY, BOARD MEMBER
MDEO EXECUTIVE DIRECTOR, BOARD MEMBER

Mississippi Tort Claims Board March 12, 2020 – 1:30pm Conference Center North, Room 138 First Floor, Woolfolk Building Jackson, Mississippi

ATTENDANCE LIST

<u>NAME</u>	DEPARTMENT/COMPANY
JEFF Wilson	1 rinity Capital
Jim Zugn	TCB
Uniquery lips comb	A6 Office
Award Rayburn	CCM5/
Deutyn Chrift	DPS
This kells	Topt
Elisha Bailey	Theasury.
Stew 88 h	Chauman
Chitain Mely	MSING Deut
Sand Mar	VOB
Dant Snuth.	AG.
Spielch .	Tot Claims
LEA AND MCELEDY	TOIZT

Mississippi Tort Claims Board Thursday, March 12, 2020 – 1:30 P.M.

AGENDA

- I. Approval of Minutes
 A. January 16, 2019
- II. Old Business
- III. New Business
 A. Legislative Update
- IV. Financial Reports
 A. Financial Report Jim Logan
 B. Investment Report Jeff Wilson
- V. Loss Control Steve Milner
- VI. Attorney General's Report Lea Ann McElroy
- VII. Certificates of Coverage Lea Ann McElroy
- $\begin{tabular}{ll} \bf VIII. & Claims \ Report-Bruce \ Donaldson \end{tabular}$
- IX. Adjournment

MINUTES OF MISSISSIPPI TORT CLAIMS BOARD THURSDAY, JANUARY 16, 2020

The Mississippi Tort Claims Board (Board) meeting was held at 1:30 p.m. in Room 138, Woolfolk State Office Building; 501 North West Street; Jackson, Mississippi.

The following members were present, constituting a quorum:

Edds, Steve; Chairman
Chaney, Mike; Commissioner of Insurance
Fitch, Lynn; Attorney General
McRae, David; State Treasurer
Kelsey, Christina; Representing Insurance Commissioner Mike Chaney
Smith, Denita; Representing Public Safety Commissioner
Welch, Liz, Executive Director, MS Department of Finance & Administration

Also present were:

Carter, Hall; State Treasurer's Office
Donaldson, Bruce; Tort Claims Board
Goodwin, Aubrey Leigh; MS Department of Finance & Administration
Goodwin, Tommy; Attorney General's Office
Kelly, Trina; Tort Claims Board
Lampton, Mark; MS Insurance Department
Logan, Jim; Tort Claims Board
McElroy, Lea Ann; Tort Claims Board
Milner, Steve; Tort Claims Board
Smith, Dan; Attorney General's Office
Wilson, Jeff; Trinity Capital

The Chairman called the meeting to order.

Motion was made by Mrs. Kelsey to approve the minutes of the November 14, 2019, meeting. Treasurer McRae seconded the motion, which passed unanimously.

There was no Old Business.

There was no New Business.

Mr. Logan presented the financial report for fiscal year 2020 through December 31, 2019. We have received just under \$3.5 million in assessments, which is approximately 75% of the total assessment. Expenditures to-date are \$2.6 million. Total funds include \$4.7 million in the Treasury, \$12.6 million in investments, and \$225,000 in the TPA Trustmark account for a total of \$17.5 million. Reserves are \$6.5 million, leaving unencumbered funds at \$10.9 million. We

have paid \$974,000 in claim payments and \$265,000 in legal expenses. For the fiscal year, we have created 487 claims, paid 274 claims, and currently have 532 open claims. Looking at the Budget Comparison Report, everything is in line with where it should be at this point in the fiscal year.

Mr. Wilson presented a brief investment report through December 2019. The portfolio has a book value of just over \$12.66 million, with a market value of \$12.63 million. For the calendar year, the internal rate of return is just under 2.2%, which is right on top of the performance numbers we had for the fiscal year. The book yield is just over 2.0% and the weighted average life is under 2 years. The year to date cash earnings for the calendar year are currently just over \$270,000 which is also right on top of the performance numbers for the fiscal year. Looking at the Investment Performance Comparison, the portfolio performed poorly compared to the custom index. This underperformance is because the portfolio is structured for rising rates. Looking at maturity distribution, Trinity is pushing bonds out to the 3-year area, and all 3-year bonds (and one third of the 0-2 year bonds) are floating rate entries in anticipation of rising rates.

Mr. Milner provided members a report of his Loss Control activities since the last Board meeting, noting his work with the MS Department of Corrections for floor monitor training, continuing new State Trooper ride-alongs, and on-site risk management services for the upcoming Dixie National Rodeo.

Mrs. McElroy presented one (1) attorney for inclusion in the approved Attorney Register: Jason R. Bush of The Law Office of Jason Bush, PLLC. Mr. Bush meets the eligibility requirements of the Board and staff recommends approval. Commissioner Chaney moved to approve and Mrs. Welch seconded. The motion passed unanimously.

Mrs. McElroy presented a list of 15 political subdivisions with the recommendation that all be approved for renewal of Certificates of Coverage. Mrs. Kelsey made a motion to approve the list and Treasurer McRae seconded the motion, which passed by unanimous vote.

There was no Claims Report.

There being no further business to come before the Board, the meeting was adjourned.

STEVE EDDS, CHAIRMAN

Alike	Charle MEMBER	ika hos)
MIKE CHANEY,	BOARD MEMBER	

White It- Sipsromb on behalf of Ab Lynn Fitch

Di fra Baily on behalf of Treasurer David McRac DAVID MCRAE, BOARD MEMBER

LIZ WELCH, BOARD MEMBER

Dun 1 July on behalf of Chris billiard COMMISSIONER OF PUBLIC SAFETY, BOARD MEMBER

MDEQ EXECUTIVE DIRECTOR, BOARD MEMBER

Tort Claims Act Legislation Summary 2020 Legislative Session

SB2876	SB2230	нв347	Bill No.
Doty	Boyd Michel	Chism	Introduced By
Referred to Jud A (2/17) Passed Committee (3/3)	Referred to Insurance (1/31) Passed Committee (2/12) Passed Senate (2/13) Transmitted to House (2/17) Referred to Insurance (2/21)	Referred to Insurance (1/30) Passed Committee (2/11) Passed House (2/12) Transmitted to Senate (2/13) Referred to Insurance (2/18)	Last Action
11-46-1 et seq			MTCA Reference
Authorize the Board of Supervisors of any county or the governing authority of any municipality to utilize sheriff or police escorts when school athletic teams travel to attend school-related activities	Provide coverage under the Uninsured Motorist Act for claims involving vehicles owned or operated by a person or entity protected by immunity under the Tort Claims Act	Provide coverage under the Uninsured Motorist Act for claims involving vehicles owned or operated by a person or entity protected by immunity under the Tort Claims Act	Description
	Commissioner Chaney's bill Same as HB347	Commissioner Chaney's bill Same as SB2230	Notes

as of 03/04/2020 9:30am

Combined Financial Report - Fiscal Year 2020 Fund 3308100000

----CASH FLOW ANALYSIS-----

		January	February	Year-To-Date
REVENUE:				
Assessments Received		963,511.17	146,788.96	4,569,809.86
Interest		13,163.92	8,989.80	51,652.29
Investment Interest		12,878.45	17,519.56	161,970.66
Sale of Scrap		0.00	0.00	1,800.00
Transfer In Funds		0.00	0.00	1,000,000.00
Total Revenue	\$	989,553.54	\$ 173,298.32	\$ 5,785,232.81
EXPENSES:				
Claim Losses - TCB and TPA		65,340.35	39,482.97	1,079,677.31
Legal Expenses - TCB and TPA		73,387.77	26,905.24	366,219.76
Other Expenses - TCB and TPA		679.00	558.00	7,490.50
Administrative Expenses Paid		155,936.14	49,860.29	619,859.99
Transfer of Funds - Out		0.00	0.00	1,000,000.00
Total Expenses	\$	295,343.26	\$ 116,806.50	\$ 3,073,247.56
FUNDS ON HAND:	8			
Beginning Balance	\$	17,565,313.84	\$ 18,259,524.12	
Revenue		989,553.54	173,298.32	
Expenses		(295,343.26)	(116,806.50)	
Adjustments (LAPSE PERIOD)		0.00	0.00	
Total Funds	\$	18,259,524.12	\$ 18,316,015.94	
Cash in Treasury	\$	5,442,833.92	\$ 5,516,617.41	
Investment in Treasury	\$	12,650,359.80	\$ 12,667,879.36	
TPA Trustmark Bank Balance		166,330.40	131,519.17	
Total Funds By Account	\$	18,259,524.12	\$ 18,316,015.94	
Less Reserves	\$	6,616,573.70	\$ 6,668,240.79	
Unencumbered Funds Available	\$	11,642,950.42	\$ 11,647,775.15	
		11,042,000.42	V 11,017,110110	

-----CLAIMS/RESERVES DETAIL (Year-To-Date)----

	Tort Board	Mgt. Services	TOTAL
Claims - Payments	\$ 65,628.95	\$ 1,014,048.36	\$ 1,079,677.31
Claims - Legal Expenses	352,030.20	14,189.56	366,219.76
Claims - Other Expenses	 <u> </u>	7,490.50	7,490.50
Total Paid Out to Date	\$ 417,659.15	\$ 1,035,728.42	\$ 1,453,387.57
OUTSTANDING RESERVES	400,004.14	6,268,236.65	6,668,240.79
Total Claims & Reserves	\$ 817,663.29	\$ 7,303,965.07	8,121,628.36
Number of Claims Created	347	271	618
Number of Claims Paid	156	176	332
Total Open Claims	184	326	510
AVG. CLAIM \$ / # CLAIMS PAID	\$420.70	\$5,761.64	\$ 3,252.04
AVG. RESERVE / OPEN CLAIMS	\$2,173.94	\$19,227.72	\$ 13,074.98

NOTE: Information represents combined operations for Treasury Fund 3081 and the Trustmark account (utilized by CCMSI).

Budget Comparison Report Treasury Fund 3308100000 Fiscal Year 2020

Expenses:	Total Budget	January 2020	February 2020	Year To Date Expenditures	Ending Balance	Percent Expended
A1-Salaries	\$ 586,647.00	\$ 48,554.82	\$ 48,554.44	\$ 388,737.79	\$ 197,909.21	66.26%
A2-Travel	4,000.00	0.00	0.00	1,472.03	2,527.97	36.80%
B-Contractual	1,650,000.00	179,650.76	27,353.64	578,536.64	1,071,463.36	35.06%
C-Commodities	7,000.00	410.27	853.70	2,967.78	4,032.22	42.40%
D2-Capital Outlay	2,000.00	0.00	0.00	0.00	2,000.00	0.00%
E-Subsidies	4,300,000.00	8,661.64	5,224.76	1,065,628.95	3,234,371.05	24.78%
SUBTOTAL TPA Expended	\$ 6,549,647.00	\$ 237,277.49 58,065.77	\$ 81,986.54 34,819.96	\$ 2,037,343.19 1,035,904.37	\$ 4,512,303.87	31.11%
TOTAL Expended		\$ 295,343.26	\$ 116,806.50	\$ 3,073,247.56		



March 3, 2020

Ms. Lea Ann McElroy Mississippi Tort Claims Board P O Box 267 Jackson, MS 39205-0267

Re: February 2020 Portfolio Highlights

Total Portfolio	Book Value	\$12,696,980
	Market Value	\$12,711,977
E. 10000 I . I D CD		1.450/
Fiscal 2020 Internal Rate of Return		1.45%
Current Portfolio Book Yield		1.85%
Market Yield		1.85%
Weighted Average Life		Approximately 1 ¾ years
YTD 2019 Earnings		161,971
Accrued Interest		47,990



STEPHEN C. EDDS, CHAIRMAN

MEMORANDUM

TO:

Mississippi Tort Claims Board

FROM:

Steve Milner

DATE:

March 12, 2020

RE:

Loss Control Report

Since the last Board Meeting, loss control services for the Tort Claims Board include:

- 23 State Property/Leased Property Inspections
 - 5 Ride-A-Longs
 - 2 Defensive Driving Class
 - 3 Risk Management Consultations
 - 4 Site Assessments Dixie National Rodeo
 - 1 Highway Construction Safety Assessment
 - 1 Risk Management Orientation
 - 6 Accident Investigations



STEPHEN C. EDDS, CHAIRMAN

MEMORANDUM

TO:

Mississippi Tort Claims Board

FROM: Lea Ann McElroy

DATE:

March 12, 2020

RE:

Additions to Defense Attorney List

RECOMMENDATION: Staff recommends approval of (1) attorney for

inclusion on Defense Attorney List

Honorable Brandon I. Dorsey Brandon I. Dorsey, PLLC Jackson, Mississippi 39236

BRANDON I DORSEY, PLLC

Post Office Box 13427, Jackson, Mississippi 39236-3427 • (601) 969-6960 • Facsimile (601) 969-6959 • brandonlawpllc@aol.com

March 5, 2020

Lea Ann McElroy, Administrator MISSISSIPPI TORTS CLAIM BOARD Post Office Box 267 Jackson, Mississippi 39205 - 0267

Re: Professional legal services

Dear Ms. McElroy:

Please accept this correspondence as my respectful attempt to request the inclusion of my firm and my name on the list of attorneys who are willing to provide legal defense for government entities in litigated cases. I am a 1999 graduate of Mississippi College School Of Law and a member of the Mississippi Bar.

My law firm is located in the heart of downtown Jackson on Pearl Street. My firm's primary focus is in the areas of insurance defense, entertainment law, personal injury, commercial litigation, corporate law, state and government law and juvenile justice. As an entertainment lawyer and litigator, I regularly negotiate contracts on behalf of entertainment artists in connection with such artists' appearances on The Stellar Awards, McDonald's Gospel Fest, The Essence Festival and other various concert events. I also regularly negotiate contracts with such entities as Walt Disney World, Universal Studios, EMI Gospel, TV One, The Word Network and Tyler Perry Studios. I serve as public defender with the Hinds County Youth Court. I also serve as City Attorney for Belzoni, Mississisppi.

I have successfully negotiated the "re - zoning" of a certain "multi - million dollar parcel of commercial property and the subsequent third party contracts that were encompassed with the subject property. In addition, I have successfully negotiated oil and gas contracts and numerous settlements on behalf of my personal injury clients. In addition, in my capacity as attorney for the town of Belzoni, Mississippi, I successfully negotiated agreements between the Board Of Alderman For The City Of Belzoni and the Humphreys County Board Of Supervisors resolving a bitter dispute regarding interlocal services.

I recognize the need for governmental entities to have representation from qualified individuals with diverse backgrounds and experiences. Therefore, I welcome the opportunity to continue to serve our state in such capacity.

Enclosed herein, please find a copy of my resume for your review. In addition, also enclosed please find the certain "Certificate Of Good Standing" that was issued by the Clerk Of The Supreme Court Of Mississippi. If I may be of assistance, please do not hesitate to contact me. Thank you in advance for your immediate attention and consideration in these premises.

Sincerely,

DRANDON I DORSEY PLLC

Brandon L Dorsey

enclosure

BRANDON I. DORSEY

Post Office Box 13427 Jackson, Mississippi 39236 - 3427 (601) 969 - 6960

Enthusiastic, detail oriented and result driven legal professional offering nearly 20 years of practice in personal injury, commercial litigation, corporate law, criminal defense, insurance defense, educational law and entertainment law. Effective ability to represent clients in civil and criminal cases, corporate litigation and provide general legal advise. Substantial knowledge of legal prerequisites of case filing. Areas of expertise include:

Criminal Defense * Appellate Advocacy
Municipal Law

KEY ACHIEVEMENTS

- * Successfully negotiated the "re zoning" of a certain "multi million dollar parcel" of commercial property and negotiated the subsequent third party contracts that were encompassed with the subject property.
- * Successfully negotiated oil and gas contracts.
- * Successfully negotiated settlements on behalf of numerous personal injury clients.
- * Successfully obtained an "acquittal" for a certain client charged with multiple counts of aggravated assault and indicted as an habitual offender.
- * Successfully secured reversal and remand before Mississippi Supreme Court / Court Of Appeals on second degree murder conviction and sale of controlled substance by an habitual offender.
- * Successfully negotiated agreement between the Board Of Alderman For The City Of Belzoni and the Humphreys County Board Of Supervisors resolving a bitter dispute regarding interlocal services.
- * Successfully secured a reversal and remand before the Mississippi Supreme Court / Court Of Appeals on a medical malpractice case regarding the issue of res ipsa loquitor and successfully negotiated a settlement subsequent thereto.
- * Successfully secured an affirmation by the Mississippi Supreme Court / Court Of Appeals on a medical malpractice case where the lower court denied Defendants' Motion For Summary Judgment and successfully negotiated a settlement subsequent thereto.

PROFESSIONAL EXPERIENCE

BRANDON I. DORSEY, PLLC, Jackson, Mississippi

November 2004 - Present

* Provide professional legal services to clients.

- * Substantial experience in all aspects of civil litigation from case intake through final disposition at trial. Handle heavy case load at a small, but aggressive litigation practice, often managing more than sixty five (65) cases in active litigation at one time.
- * Case management and development skills include: initial client interviews, assessment of the viability of cases, researching potential claims, developing case strategy and advising clients on likely outcomes. Discovery experience includes taking hundreds of expert and hundreds of fact witness depositions, propounding and responding to written discovery and managing document review teams.
- Broad range of substantive experience acting as both defense counsel and plaintiff's counsel, representative cases include defending business owners in premises liability action; defending insurance company in uninsured / under insured civil litigation; prosecuting medical malpractice and wrongful death actions, defending and prosecuting automobile accident personal injury cases, negotiate contracts for entertainment artists in regards to such artists' appearances on The Stellar Awards, Verizon's "How Sweet The Sound" Gospel Choir Competition, McDonald's Gospel Fest, Mega Fest, The Essence Festival and other various concert events. Regularly negotiates contracts with such entities as Walt Disney World, Universal Studios, EMI Gospel, TV One, The Word Network and Tyler Perry Studios.
- * Substantial experience serving as public defender and guardian ad litem with the Hinds County Youth Court
- * Serve as a "Special Judge" at the Hinds County Youth Court in accordance with the applicable provisions of Section 43 21 113 of the Mississippi Code Annotated, presiding over cases where children are believed to have been abused and / or neglected.
- * Manage intellectual property.
- * Provide professional legal services for Board Of Alderman For The City Of Belzoni, Mississippi as City Attorney.
- * Broad range of substantive experience acting as both defense counsel. Representative cases include defending business owners in premises liability action; defending insurance companies in uninsured / under insured civil litigation; defending automobile accident personal injury cases, negotiate commercial construction contracts.
- * Advise corporate chief operating officers on prudent legal practices applicable to complex business situations.
- * Lead attorney for trial teams.

PAGE KRUGER & HOLLAND, P.A. Jackson, Mississippi

September 2001 - November 2004

- * Provide professional legal services to client
- * Experience in all aspects of civil litigation from case intake through final disposition at trial. Handle heavy case load at a small, but aggressive litigation practice, often managing more than forty (40) cases in active litigation at one time
- * Case management and development skills include: initial client interviews, assessment of the viability of cases, researching potential claims, developing case strategy and advising clients on likely outcomes. Discovery experience includes taking expert and fact witness depositions, propounding and responding to written discovery and managing document review teams

LEE & ASSOCIATES, Jackson, Mississippi

May 1999 - September 2001

- * Provide professional legal services to client
- * Attend court hearings
- * Researched and gathered evidence
- Represented clients in court and before government agencies

WALLS LAW FIRM, P.A Greenville, Mississippi

June 1996 - May 1999 (Intern While Attending Law School)

- * Assist Partner / Principal with providing professional legal services to client
- * Assist Partner / Principal with case investigation
- * Manage research projects for purposes of preparing for trial

EDUCATION

MISSISSIPPI COLLEGE SCHOOL OF LAW, Jackson, Mississippi 1999 Juris Doctorate

UNIVERSITY OF ARKANSAS AT PINE BLUFF, Pine Bluff, Arkansas 1995 Bachelor Of Arts - History , cum laude

GREENVILLE HIGH SCHOOL, Greenville, Mississippi 1991

ADDITIONAL CAPABILITIES

- * Able to handle employment law issues
- * Demonstrated organizational and communication skills
- * Strategic and proactive thinking
- * Knowledge of advanced legal issues

The Supreme Court of Mississippi



Certificate of Good Standing

I, D. Jeremy Whitmire, as Clerk of the Supreme Court of Mississippi, do hereby certify that **Brandon Isaac Dorsey** was duly and legally admitted to practice law before the Supreme Court of Mississippi on September 25, 2001, and is now an attorney in good standing of the Bar of this Court, as shown by the records of said Court on file in this office.

I further certify that the Supreme Court of Mississippi is the highest court of record in this state.

Done on March 4, 2020, with the seal of the Supreme Court of Mississippi affixed.

The Supreme Court of Mississippi

CLERK



STEPHEN C. EDDS, CHAIRMAN

MEMORANDUM

TO: Mississippi Tort Claims Board

FROM: Lea Ann McElroy **DATE:** March 12, 2020

RE: Political Subdivisions – Certificates of Coverage

RECOMMENDATION: Staff recommends approval of 6 political

subdivisions shown on attached list.

Thursday, March 12, 2020 Political Subdivisions Recommended for Renewal of Certificate of Coverage

Delta Regional Medical Center Hancock County Board of Supervisors Kemper County Economic Development Mid-Mississippi Regional Library Singing River Health System Southeast Mississippi Air Ambulance

Total 6